

**ATTORNEY DOCKET NO. 14014.00431U2**  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Libutti *et al.* ) Art Unit: 1632  
Application No. 10/510,652 ) Examiner: Singh, Anoop Kumar  
Filing Date: October 28, 2004 ) Confirmation No. 4377  
For: QUANTITATIVE ASSAY OF THE )  
ANGIOGENIC AND ANTIANGIOGENIC )  
ACTIVITY OF A TEST MOLECULE )

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.  
Customer Number 36339

Dear Sir:

Applicant or patent owner hereby appeals under 37 C.F.R. § 41.31 to the Board of Patent Appeals and Interferences from the decision of the Examiner dated August 9, 2007 finally rejecting 1-39.

The item(s) checked below are appropriate:

1.  An extension of time to respond to the final rejection:
  - (a)  was obtained for \_\_\_\_ month.
  - (b)  is requested herewith under 37 C.F.R. § 1.136.
2. Payment in the amount of 970.00 for the following fees is to be charged to a credit card and such payment is authorized by the signed, enclosed document entitled Credit Card Payment Form PTO-2038 to cover the following fees:

ATTORNEY DOCKET NO. 14014.0431U2  
APPLICATION NO. 10/510,652

Appeal fee amount pursuant to 37 C.F.R. §41.20(b)(1) = \$510.00/LE.  
 Extension of time fee amount pursuant to 37 C.F.R. §1.17(a)(2) = \$460.00  
– two month extension of time fee.

3.  Enclosed is a Pre-Appeal Brief Request for Review and 5 sheets of reasons.

The amount authorized in PTO-2038 is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

P. Brian Giles  
P. Brian Giles, Ph.D.  
Registration No. 57,896

NEEDLE & ROSENBERG, P.C.  
Customer Number 36339  
(678) 420-9300  
(678) 420-9301 (fax)

**CERTIFICATE OF ELECTRONIC TRANSMISSION UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted via electronic transmission via EFS-Web on the date indicated below.

Name of Person Mailing (Print/Type)	P. Brian Giles, Ph.D.		
Signature	<u>P. Brian Giles</u>	Date	1-24-2008